

Staff Summary Report



Hearing Officer Hearing Date: September 18, 2007

Agenda Item Number: 15

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the **VOGTLI PROPERTY** located at 1212 South Mill Avenue.

DOCUMENT NAME: 20070918dsjc05

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **VOGTLI PROPERTY (PL070369/ABT07024)** (Danielle Vogtli, property owner) Complaint CE071978 located at 1212 South Mill Avenue in the R-2, Multi-Family Residential District.

PREPARED BY: Jon Christopher, Planner II (480-350-8436)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

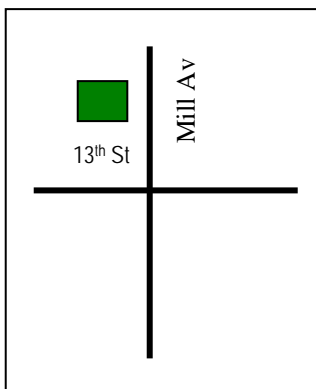
A handwritten signature in black ink, appearing to read 'SEA', located to the right of the 'REVIEWED BY' line.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO: The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **VOGTLI PROPERTY (PL070369/ABT07024)** (Danielle Vogtli, property owner) Complaint CE071978 located at 1212 South Mill Avenue in the R-2, Multi-Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends the authorization of abatement of this property.



PAGES:

1. List of Attachments
2. Comments; History & Facts/Description

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-14. Neighborhood Enhancement Report
15. Staff Photograph

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **VOGTLI PROPERTY (PL070369/ABT07024)** (Danielle Vogtli, property owner) Complaint CE071978 located at 1212 South Mill Avenue in the R-2, Multi-Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Julie Scofield, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

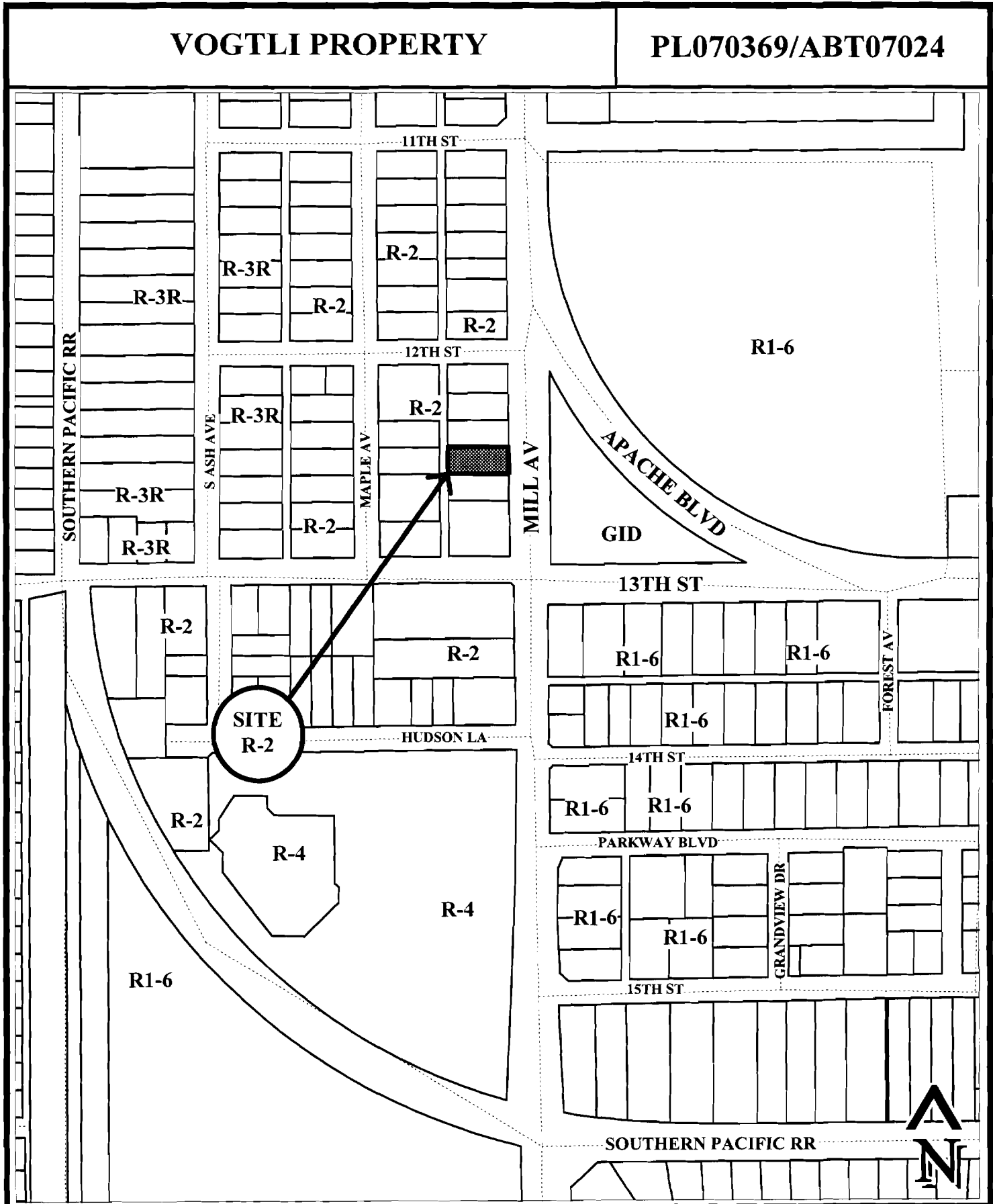
Staff recommends the authorization of abatement of this property.

HISTORY & FACTS: See attached memo from the Neighborhood Enhancement Division.

DESCRIPTION: Owner – Danielle Vogtli
Applicant – Julie Scofield, COT Neighborhood Enhancement
Existing zoning – R-2, Multi-Family Residential District
Lot area – 9,497 s.f. / .22 acres
Building area – 1,983 s.f.
Year of construction – March 01, 19967

VOGTLI PROPERTY

PL070369/ABT07024





VOGTLI PROPERTY (PL070369/ABT07024)

DATE: 8/9/07
TO: Michael Spencer, Senior Code Inspector
FROM: Julie Scofield, Code Inspector II
SUBJECT: Request to Abate Nuisance Violations- Reference Complaint
#CE071978

LOCATION: 1212 S. Mill Ave. Tempe, AZ 85281
LEGAL: Book 132, Map 45, Parcel 041, as recorded with the Maricopa County Assessor
OWNER: Danielle Vogtli
10316 NE 50TH AVE.
VANCOUVER, WA 98686

FINDINGS:

4/18/07 – The Neighborhood Enhancement Division received a complaint on the above property concerning deteriorated landscaping. The property was inspected and found to be in violation of having overheight weeds and grass. A notice was mailed to the owner and the tenant.

5/7/07 I reinspected the property. There has been no change in the condition of the landscaping. After researching the Maricopa County Assessors page, I found another address to send a notice to. The water to this property has been shut off.

5/22/07 I reinspected the property. There has been no change in the condition of the property. Another address was found and a notice was sent.

5/23/07 I received a call from the owner's husband Kevin Vogtli. He said that the tenant moved out and that he planned on having someone out at the property to take care of it. The owner and her husband currently live out of the country and will not leave an address.

6/28/07 There has been no change in the condition of the property. I called Kevin Vogtli. He said that they were not going to put any more money into that "money pit" and was going to let the house go into foreclosure. After speaking to Jan Koehn, she recommended that I have the property abated.

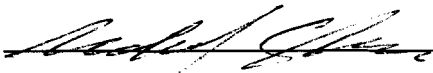
8/7/07 I received an estimate from Bishop Inc. to abate the property in the amount of \$95.00.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violation be done at the property of 1212 S. Mill Ave. due to Danielle Vogtli's failure to come into compliance with Tempe City Codes. Mrs. Vogtli has been given ample time to come into compliance and maintain the property. There has been no indication in Mrs. Vogtli's actions that she plans on coming into compliance.

Respectfully submitted,

Julie Scofield

ACTION TAKEN: submit for Abatement
NAME 
DATE: 8-9-07



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 8/9/07

TO: DANIELLE VOGTLI
10316 NE 50TH AVE.
VANCOUVER, WA 98686

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LEGAL: Book 132, Map 45, Parcel 041, as recorded with the Maricopa County Assessor.

**LOCATION: 1212 S. MILL AVE.
TEMPE, AZ 85281**

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 9/18/07. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of: The overheight grass and weeds constituting a violation of TCC 21-3-B-8 which prohibits landscaping that is dead, damaged, or presents a deteriorated or slum-like appearance.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$95.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City. If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Enforcement Officer: Julie Scofield

Phone Number 480-350-8951



CASE # CE071978

COMPLAINT: YES NO

**City of Tempe Code Compliance Division
Courtesy Notice**

We need your help to keep our City clean

This is a courtesy notice to inform you that on 4/18/07, 1212 S. MILL AVE.

was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on or after the date indicated to verify compliance. If the property is brought into compliance with the code by 5/03/07, you will not be subject to citations or fines for the violation(s). We appreciate your cooperation in this matter. For questions or further information please contact the Code Compliance Division at 480-350-8372

Violation of the Tempe City Code, Chapter 21, Article I, Section 21-3-(b)8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Deteriorated or deterioration means a lowering in quality of the condition or appearance of a building, structure or premises, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.

Slum-like means a building, structure or premises characterized by deterioration or other similar conditions regardless of the condition of other properties in the neighborhood.

Please take the following corrective action by 5/03/07

Required Correction(s):

1. PLEASE CUT ALL OVERHEIGHT GRASS AND OR WEEDS IN THE FRONT OF THE PROPERTY.
2. PLEASE MAINTAIN THE PROPERTY.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Notice was delivered to:

**DANIELLE BLOOD
1212 S. MILL AVE.
TEMPE, AZ 85281**

**LEEANNE MAY
1212 S. MILL AVE.
TEMPE, AZ 85281**

Code Enforcement Officer: JULIE SCOFIELD

Phone Number 480-350-8951



CASE # CE071978

COMPLAINT: YES NO

City of Tempe Code Compliance Division
Courtesy Notice
We need your help to keep our City clean

This is a courtesy notice to inform you that on 5/7/07, 1212 S. MILL AVE. was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on or after the date indicated to verify compliance. If the property is brought into compliance with the code by 5/21/07, you will not be subject to citations or fines for the violation(s). We appreciate your cooperation in this matter. For questions or further information please contact the Code Compliance Division at 480-350-8372

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Please take the following corrective action by 5/21/07

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1. PLEASE CUT ALL OVERHEIGHT GRASS AND OR WEEDS IN THE FRONT OF THE PROPERTY.
2. PLEASE MAINTAIN THE PROPERTY.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Notice was delivered to:

DANIELLE BLOOD
1212 S. MILL AVE.
TEMPE, AZ 85281

DANIELLE BLOOD
10316 NE 50TH AVE.
VANCOUVER, WA 98686

Code Enforcement Officer: JULIE SCOFIELD

Phone Number 480-350-8951



CASE # CE071978

COMPLAINT: YES NO

City of Tempe Code Compliance Division
Courtesy Notice
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This is a courtesy notice to inform you that on 5/22/07, 1212 S. MILL AVE.

was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Chapter 21, Article I, of the Tempe City Code. A re-inspection will be conducted on or after the date indicated to verify compliance. If the property is brought into compliance with the code by 6/5/07, you will not be subject to citations or fines for the violation(s). We appreciate your cooperation in this matter. For questions or further information please contact the Code Compliance Division at 480-350-8372

Violation of the Tempe City Code, Chapter 21, Article I, Section 21-3-(b)8

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Please take the following corrective action by 6/5/07

Required Correction(s):

1. PLEASE CUT ALL OVERHEIGHT GRASS AND OR WEEDS IN THE FRONT OF THE PROPERTY.
2. PLEASE MAINTAIN THE PROPERTY.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in civil citation, criminal charges or abatement of the violation.

Notice was delivered to:

DANIELLE BLOOD-VOGTLI
720 W. MACAW
CHANDLER, AZ 85248

Code Enforcement Officer: JULIE SCOFIELD

Phone Number 480-350-8951

Bishop Inc.

6340 S. Rural Rd. #118-217

Tempe AZ 85283

PH: (602) 339-2082 Fax (480) 413-1691

7820

Estimate

Name: City of Tempe
Address: P.O. Box 5002
City: Tempe, Az. 85281
Attn: Code Compliance

Date 7/5/2007
Order # _____
Customer # _____
Our Order # _____

Qty	Description
	Work Done at: 1212 S. Mill Ave.
	Scope of work:
1	Landscaping
2	Cut down tall weeds and grass on property
	Price includes material, labor, and dump fees
	Contract # T05-102-01

Unit Price	Total

Disclaimer: Prices may vary due to work completed by homeowner, and the time lapse between this estimate and the abatement date. This estimate is based on a visual inspection of the property due to no access to back yards, locked gates, occupied property and obstructions to the visual inspection such as tarps, plywood covering, over growth of trees and bushes, plastic bags, etc.etc.













VOGTLI PROPERTY

1212 SOUTH MILL AVENUE

PL070369

PROPERTY : VIEW TO WEST